



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH) AT PUDUCHERRY

Present : Thiru M. KANDASAMY,
Subdivisional Magistrate (North).

M.C. No. 186/2021, I.R.No. 112/2021 under section 144 of Cr.P.C/1120.

ORDER

(UNDER SECTION 144 OF Cr.P.C.)

State Represented by the Station House Officer,
D'Nagar Police Station,
Puducherry.

. . Petitioner

Vs

Thiru Mohan @ Sathiyaselan (32),
S/o. Krishnan,
No. 99, Cement Road,
Veemacoundanpalayam,
Puducherry.

. . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, represented by Thiru A. Govindaraj, Sub-Inspector, D'Nagar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Mohan @ Sathiyaselan to prevent imminent danger to human lives and properties, and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. The Counter Petitioner is Mohan @ Sathiyaselan, son of Krishnan, a resident of No. 99, Cement Road, Veemacoundanpalayam, Puducherry.

3. The facts which led up to the petition are briefly as follows: The case submitted by the Station House Officer, D'Nagar Police Station, Puducherry with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 112/2021, under section 144 of Cr.P.C., dated 08-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, attempt to murder, extortion by using lethal weapons. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that he is leading lavish life with the money earned through extortion. As result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. It is also stated that even witnesses don't come forward voluntarily to give evidence against him in the cases where he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 134/2014 under sections 147, 148, 452, 302 IPC r/w 149 IPC, of Reddiarpalayam Police Station, Puducherry.
2. IR.No. 11/2015 under section 144 of Cr.P.C., dated 22-05-2015 of D'Nagar Police Station, Puducherry.
3. IR.No. 25/2015 under section 144 of Cr.P.C., dated 14-10-2015 of D'Nagar Police Station, Puducherry.
4. IR.No. 05/2016 under section 144 of Cr.P.C., dated 12-01-2016 of D'Nagar Police Station, Puducherry.
5. IR.No. 45/2016 under section 144 of Cr.P.C., dated 02-07-2016 of D'Nagar Police Station, Puducherry.
6. Cr.No. 226/16 under sections 294(b), 323, 506(II) IPC, dated 18-10-2016 of D'Nagar Police Station, Puducherry.
7. Cr.No. 225/18 under sections 294(b), 324, 506(II) IPC, dated 28-11-2018 of D'Nagar Police Station, Puducherry.
8. IR.No. 43/2019 under section 144 of Cr.P.C., dated 16-03-2019 of D'Nagar Police Station, Puducherry.
9. Cr.No. 12/2020 under section 107 of Cr.P.C., dated 26-05-2020 of D'Nagar Police Station, Puducherry.
10. IR.No. 90/2020 under section 144 of Cr.P.C., dated 20-11-2020 of D'Nagar Police Station, Puducherry.
11. IR.No. 35/2021 under section 144 of Cr.P.C., dated 03-03-2021 of D'Nagar Police Station, Puducherry.

4. The Petitioner further stated that the Counter Petitioner involved in various offences by using aruval, knife to attack the victims and become a source of terror among the public. The Counter Petitioner was collecting mamool at Veemacoundanpalayam and surrounding areas to meet out the case expenses. It is also stated that the Counter Petitioner violated the conditions imposed by the Criminal Court and have scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions and annoyance, damages to public and private properties and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, D'Nagar Police Station, Puducherry has prayed to invoke provisions under section 144 of Cr.P.C. against the Counter Petitioner do not to enter into the jurisdiction of this Court, for a period of two months as to prevent danger to the human life and properties, and disturbance to the public tranquility and order.

6. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 15-06-2021 to appear for the hearing on 16-06-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, D' Nagar Police Station, Puducherry. The notice for the Counter Petitioner was received by his brother, Thiru Suriya. The service was held sufficient for the Counter Petitioner.

7. On 16-06-2021 at 11.00 a.m. the Petitioner represented by Thiru A. Govindaraj, Sub-Inspector, D'Nagar Police Station, Puducherry was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. I have heard the Petitioner and carefully gone through all the available records placed before me.

In the Police Information Report/Petition, it is stated that the activities of Thiru Mohan @ Sathiyaselan is in such a manner that they may cause breach of peace and create a problem of law and order and public tranquility. He has involved in crimes such as assault, unlawful activities and disturbance to the public peace and order. There are 11 criminal cases were registered against him in various Police Stations.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), Puducherry. I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, damages to public and private properties, obstructions, annoyance, *etc.*, and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr.P.C. is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order.

Hence, I, M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry in exercise of powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Mohan @ Sathiyaselan son of Krishnan, a resident of No. 99, Cement Road, Veemacoundanpalayam, Puducherry from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North) for a period of two months from the date of this Order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, the Counter Petitioner may respect against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this the 16th day of June, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

**IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY**

Present : Thiru M. KANDASAMY,
Subdivisional Magistrate (North).

M.C. No. 187/2021, I.R.No. 113/2021 under section 144 of Cr.P.C/1121.

ORDER

(UNDER SECTION 144 OF Cr.P.C.)

State Represented by the Station House Officer,
D'Nagar Police Station,
Puducherry.

. . Petitioner

Vs

Thiru Suriyamoorthy @ Suriya (22),
S/o. Kamalanathan @ Naterajan,
No. 5, Kamban Street,
Kamaraj Nagar, Gorimedu,
Puducherry.

. . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, represented by Thiru A. Govindaraj, Sub-Inspector, D'Nagar Police Station, Puducherry praying to pass orders under section 144 of Cr.P.C., against Thiru Suriyamoorthy @ Suriya to prevent imminent danger to human lives and properties and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. The Counter Petitioner is Suriyamoorthy @ Suriya, son of Kamalanathan @ Naterajan, a resident of No. 5, Kamban Street, Gorimedu, Puducherry.

3. The facts which led up to the petition are briefly as follows: The case submitted by the Station House Officer, D'Nagar Police Station, Puducherry through the Superintendent of Police (North), Puducherry *vide* I.R.No. 113/2021, under section 144 of Cr.P.C., dated 08-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, extortion, by using lethal weapons. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that he is leading lavish life with the money earned through extortion. As result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. It is also stated that even witnesses do not come forward voluntarily to give evidence against him in the cases where he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 240/2016 under sections 294(B), 427, 506(II), r/w 34 IPC @341, 294(b), 427, 506(II), r/w 34 IPC, dated, 30-10-2016 of D'Nagar Police Station, Puducherry.
2. Cr.No. 76/2016 under section 144 of Cr.P.C., dated 11-11-2016 of D'Nagar Police Station, Puducherry.
3. Cr.No. 209/2017 under sections of POP (PD) Act, 2000, dated 27-11-2017 of D'Nagar Police Station, Puducherry.
4. Cr.No. 260/2017 under section 399 of IPC, dated 18-04-2017 of Auroville Police Station, Tamil Nadu.
5. Cr.No. 51/2018 under sections 147, 148, 302 r/w 149IPC, dated 23-03-2018 of D'Nagar Police Station, Puducherry.
6. Cr.No. 66/2019 under sections 107 of Cr.P.C., dated 25-09-2019 of D'Nagar Police Station, Puducherry.
7. Cr.No. 06/2020 under sections 143, 120(B) r/w 149 IPC and 27 of Arms Act, 1959 and 5 of Explosive Substances Act, 1908, dated 13-01-2020 of Lawspet Police Station, Puducherry.
8. Cr.No. 11/2020 under section 107 of Cr.P.C., dated 26-05-2020 of D'Nagar Police Station, Puducherry.
9. Cr.No. 294/2020 under sections 337 IPC and 3 of PDPP Act, r/w 34 IPC @ 143, 147, 337, 427IPC r/w 149 IPC and 3 of PDPP Act, 1984, dated 30-09-2020 of D'Nagar Police Station, Puducherry.
10. Cr.No. 71/2020 under section 144 of Cr.P.C., dated 22-10-2020 of D'Nagar Police Station, Puducherry.
11. Cr.No. 32/2021 under section 144 of Cr.P.C., dated 03-03-2021 of D'Nagar Police Station, Puducherry.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner along with his gang were planned for attacking his rival group to take revenge upon them and the Counter Petitioner was collecting mamool at Kamaraj Nagar, Gorimedu and surrounding areas to meet

out the case expenses. The Petitioner further stated that the Counter Petitioner has involved in various offences by using aruval, knife to attack the victims and become a source of terror among the public. It is also stated that the Counter Petitioner violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions and annoyance, damages to public and private properties, and thereby emerged as a perennial source of threat to the community and disturb public peace and tranquility. Hence, the Station House Officer, D'Nagar Police Station, Puducherry has prayed to invoke provisions under section 144 of Cr.P.C. against the Counter Petitioner do not to enter into the jurisdiction of this Court for a period of two months as to prevent danger to the human life and properties and disturbance to the public tranquility and order.

6. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 15-06-2021 to appear for the hearing on 16-06-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, D'Nagar Polic Station, Puducherry. The notice for the Counter Petitioner was received by his brother, Thiru Kamalanathan. The service was held sufficient for the Counter Petitioner.

7. On 16-06-2021 at 11.00 a.m. the Petitioner represented by Thiru A. Govindaraj, Sub-Inspector, D'Nagar Police Station, Puducherry was present. I have heard both the side and carefully gone through all the available records in file place by Petitioner.

In the Police Information Report/Petition, it is stated that the activities of Thiru Suriyamoorthy @ Suriya is in such a manner that they may cause breach of peace and create a problem of law and order and public tranquility. He has involved in crimes such as assault, unlawful activities and disturbance to the public peace and order. There are 11 criminal cases were registered against him in various Police Stations. I have also heard the oral submission of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed the false case with an ulterior motive.

9. Upon hearing both sides and on perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), I am of the opinion that if the, Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, damages to public and private properties, obstructions, annoyance, *etc.*, and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr. P.C. is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order.

Hence, I, M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry in exercise of powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Suriyamoorthy @ Suriya, son of Kamalanathan @ Naterajan, a resident of No. 5, Kamban Street, Kamaraj Nagar, Gorimedu, Puducherry from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North) for a period of two months from the date of this Order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, the Counter Petitioner may respect against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this the 16th day of June, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
